

REMARKS/ARGUMENTS

After the foregoing amendments, claims 1, 2, 4, 5, and 11 are currently pending in this application, claim 11 having been withdrawn pursuant to a Restriction Requirement. The features of claim 3 have been added to amended claim 1 and, thus, claim 3 has been canceled without prejudice. Claims 6 – 10 have also been canceled without prejudice. Claim 4 has been amended to adjust its dependency. In the specification, corrective amendments have been made to the paragraphs beginning at page 12, line 4, and page 18, line 8. Applicant submits that no new matter has been introduced into the application by these amendments.

Allowable Subject Matter

The Examiner is thanked for indicating that claims 3 and 4 would be allowable if rewritten to overcome the rejections under 35 USC § 112, second paragraph, and if rewritten in independent form. Accordingly, the features of claim 3 have been added to amended claim 1 and, thus, claim 1 is currently in condition for allowance. Furthermore, Applicant respectfully submits that because claim 4 (as amended) is dependent upon allowable claim 1, claim 4 should also be allowed at least as dependent upon an allowable base claim. Reconsideration of these claims is respectfully requested.

Objections to the Drawings

The drawings stand objected to for failure to show *the concentrate spacers protruding from the separating membranes* as recited in pending claim 5. Applicant respectfully submits that the *protruding concentrate spacer* refers to element 24 represented in Fig. 9, and identified at page 8, line 24, of the specification, as a concentrate spacer.

The drawings stand further objected to for failure to show *the concentrate spacer protruding to the separating membranes* as described in the specification at page 18, lines 12 – 13. A corrective amendment to the specification at page 18, line 13, obviates this objection. Accordingly, withdrawal of the objections to the drawings is respectfully requested.

Objections to the Specification

The specification stands objected to due to an informality. A corrective amendment to the paragraph beginning at page 12, line 4, obviates this objection and, thus, withdrawal of the objection to the specification is respectfully requested.

Claim Rejections - 35 USC § 112

Claims 1, 2, 4, and 5 stand rejected under 35 USC § 112, second paragraph, as indefinite. Corrective amendments to claim 1 obviate this rejection and, thus, withdrawal of the 35 USC § 112 rejection of claims 1, 2, 4, and 5 is respectfully requested.

Applicant: Jens Kloppenborg Møller
Application No.: 10/500,649

Claim Rejections - 35 USC § 102

Claims 1, 2, and 5 stand rejected under 35 USC § 102(e) as anticipated by WO 02/051529 A1 and U.S. Patent No. 6,224,767 to Fujiwara et al. As explained above, claim 1 (as amended) is currently in condition for allowance. Applicant further respectfully submits that because claims 2 and 5 are dependent upon allowable claim 1, claims 2 and 5 should also be allowed at least as dependent upon an allowable base claim. Withdrawal of the 35 USC § 102 rejection of claim 1, 2, and 5 is respectfully requested.

Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned at the Examiner's convenience.

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In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application, including claims 1, 2, 4, 5, and 11, is in condition for allowance, and a Notice to that effect is respectfully requested.

Respectfully submitted,
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